

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

32.30 FIREFIGHTER TRAINING UNDER CHAPTER 296-305 WAC

Date Issued: September 25, 1997

I. Background:

The revised Chapter 296-305 WAC related to firefighter safety takes effect January 1, 1997, for most fire departments and April 1, 1997 for all-volunteer fire departments. In discussions related to this standard, several questions (particularly related to "live fire training") have been raised.

II. Scope and Application:

This WISHA Regional Directive, which remains in effect indefinitely, provides guidance to WISHA consultation and compliance staff regarding the appropriate enforcement of firefighter training requirements. This WRD incorporates the substance of WISHA Interim Interpretive Memorandum #96-11-D, which is hereby rescinded.

III. Interpretive Guidance:

What training must fire departments provide to firefighters?

WAC 296-305-05501 covers fire training requirements.

Subsection (1) requires training of firefighting employees "commensurate with their duties and responsibilities," and requires that the training "be as frequent as necessary to ensure that members can perform their assigned duties in a safe and competent manner...." Subsection (2) contains requirements related to the proper conduct of live fire training, but it does not require such training. In the summary found in WAC 296-305-05503, Subsection (8) states that "live fire training in structures shall conform to NFPA 1403 and this section" but, again, includes no requirement that such training be performed. Subsection (10) provides that all training shall be provided "at least annually" and that "members who are expected to perform interior structural fire fighting shall be provided with an education session of training at least quarterly."

None of these sections may be read to require that an employer provide live fire training. The determination whether such training is "commensurate with" a firefighter's duties is to be made by the employer.

IV. Special Inspection Protocols:

A. When should firefighter training requirements be cited?

WISHA consultation and compliance staff must not cite training requirements unless the employee's actual job duties or other expectations document a need for such training.

For example, a fire department's failure to provide interior structural fire training for its employees can be cited as a violation of the standard only if the fire department expects its firefighters to engage in such structural firefighting.

B. When should a fire department be cited for training that has not yet occurred?

WISHA consultation and compliance staff must not cite an employer for a violation of training requirements related to one or more particular employees unless those employees were assigned or otherwise expected to perform tasks for which they had not yet been trained.

C. When should a fire department be cited for failure to provide live fire training?

WISHA consultation and compliance staff must not cite employers for the employer's failure to conduct live fire training unless the employer has determined that live fire training represents training "commensurate with" the employee's "duties and responsibilities." WISHA staff may not challenge an employer's decision that live fire training is not necessary. If, however, an employer has made a determination that it is necessary but failed to implement it, any violation must be cited under WAC 296-305-05501(1).

D. When should a fire department be cited for failure to provide training on a frequent enough basis?

WISHA staff must document violations for frequency of training (including live fire training), according to the following guidelines.

1. If the employer fails to meet the frequency of training that he or she has determined is necessary (or fails to meet the quarterly or annual training requirements of the standard), any violation must be cited under WAC 296-305-05503(10).
2. If the employer has determined that live fire training is required, but on a less frequent basis than annually, and otherwise complies with the requirements of WAC 296-305-05503(10) for a quarterly education session for structural firefighters, WISHA staff must not issue a violation.

3. Violations based on the requirement in WAC 296-305-05501(1) that "training shall be as frequent as necessary to ensure that members can perform their assigned duties. . . " must be issued only if the violation can be documented based on performance. Violations of specific frequency requirements must be cited under the section that contains the requirement in question.

E. When should an employer be cited for a violation of the live fire training specifications found in the standard?

Violations of WAC 296-305-05501(2) must be cited only if the live fire training was conducted in a manner that violated a specific requirement of the subsection. Violations of WAC 296-305-05503(8) must be cited only if the live fire training was conducted in a manner that violated NFPA 1403 but *not* the requirements listed under WAC 296-305-05501(2). WISHA staff must not, under any circumstances, cite either of these provisions if an employer did not conduct live fire training. Similarly, WISHA staff must not cite either provision if the live fire training was conducted according to the listed and referenced requirements.

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